

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH BROWN,

Plaintiff,

v.

MARIN FOX-HEIGHT,

Defendant.

CASE NO. C10-5535BHS/JRC

ORDER DECLINING TO CONSIDER A
SUMMARY JUDGMENT MOTION AT
THIS TIME

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion for summary judgment (ECF No. 23).

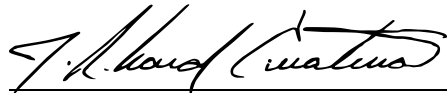
On April 22, 2011, the court struck defendant's motion for summary judgment and granted plaintiff's motion to file an amended complaint (ECF No. 22). Four days later the clerk's office entered plaintiff's motion for summary judgment into the record (ECF No. 23).

Plaintiff had until May 27, 2011 to file an amended complaint that complies with the court's instructions. Plaintiff filed an amended complaint on May 9, 2011 (ECF No. 24). The

1 court will not consider the currently pending motion for summary judgment. If either party
2 wishes to re-note their previously filed motion, they may do so.

3 The Clerk's office is directed to remove (ECF No. 23) from the court's calendar.

4 DATED this 18th day of May 2011.

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8 J. Richard Creatura
9 United States Magistrate Judge
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